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MV TRANSPORTATION, INC.

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

14 TONIE ROBINSON, individually,

15 Plaintiff,

16 v.

17 MV TRANSPORTATION, INC.; DOE BUS
18 OPERATOR; DOE BUS DRIVER; DOES I-
X, and ROE CORPORATIONS I-X, inclusive,

19 Defendants.

Case No. 2:17-cv-01491-RFB-PAL

**STIPULATION AND REQUEST TO
EXTEND DISCOVERY DEADLINES
(SECOND REQUEST)**

Trial Date: None Set

21 In accordance with the Federal Rules of Civil Procedure and Local Rule 26-4, Plaintiff Tonie
22 Robinson ("Plaintiff") and Defendant MV Transportation, Inc. ("MV") hereby stipulate and agree to
23 and jointly move this Honorable Court for an Order extending the discovery cut-off by sixty (60) days
24 for the sole purpose of taking depositions and obtaining medical records and the dispositive motion
25 deadline as follows:

26 **I. STATEMENT OF FACTS**

27 This case arises out of an alleged incident that occurred on November 2, 2015, while Plaintiff
28 was a passenger of a bus operated by MV. According to the Complaint, Plaintiff, Tonie Robinson, was

a passenger on a bus and sustained injuries as a result of the bus driver failing to properly secure her three-wheel motorized scooter prior to driving and making an erratic turn at an unsafe speed, causing Plaintiff to fall out of her chair onto the floor.

After the matter was removed to federal court, the parties engaged in an FRCP 26 conference with timely submission of a joint proposed scheduling order that complied with the rules. Due to the extensive medical treatment and disclosure of significant pre-existing conditions by Plaintiff, the parties stipulated to extend discovery on September 21, 2017. As a result of this initial stipulation, significant progress towards completing discovery in this matter has occurred.

The parties have been working together and coordinating discovery requests to ensure all discovery is timely completed. However, Plaintiff was recently deposed and provided numerous additional doctors from whom she received treatment and provided address for several witnesses whose depositions were previously noticed. MV also timely noticed the depositions of Plaintiff's experts, Dr. Jason Garber and Dr. Lanzkowsky, however, both doctors are not available to be deposed until March, 2018. Plaintiff also recently provided topics for an FRCP 30(b)(6) deposition, which the parties have agreed will occur on February 13, 2018. As a result, the parties request an extension of the deadline by sixty (60) days to March 27, 2018 for completing discovery for the limited purpose of obtaining medical records from newly disclosed providers and taking the depositions of Mr. Arthur Adams, Mr. George Spears, Dr. Garber, Dr. Lanzkowsky, and Defendant's FRCP 30(b)(6) deponent.

II. DISCOVERY COMPLETED:

The parties have been able to complete a significant amount of discovery to date. In this time period, the parties have participated in the Early Case Conference pursuant to FRCP 26. After discovery opened, each side began to deposit their disclosures. As to Rule 26 disclosures:

PARTY	DISCLOSURE	DATE SERVED
Plaintiff	Initial	August 21, 2017
	1 st Supplement	September 13, 2017
	2 nd Supplement	December 15, 2017
Defendant	Initial	August 11, 2017

1		1 st Supplement	October 6, 2017
2		2 nd Supplement	October 13, 2017
3		3 rd Supplement	October 17, 2017
4		4 th Supplement	December 1, 2017
5		5 th Supplement	December 21, 2017
6		6 th Supplement	January 12, 2018

7
8 The parties have also been able to make considerable progress with respect to written
9 discovery:

10	PROPOUNDED BY	DATE SERVED	DOCUMENT	PROPOUNDED UPON	DATE RESPONDED
11	Plaintiff	August 8, 2017	First Set of Interrogatories	Defendant	September 14, 2017
12		August 8, 2017	First Set of Request for Production of Documents	Defendant	September 14, 2017
13					
14	Defendant	August 11, 2017	First Set of Interrogatories	Plaintiff	September 14, 2017
15		August 11, 2017	First Set of Request for Production of Documents	Plaintiff	September 14, 2017
16		August 11, 2017	First Set of Request for Admissions	Plaintiff	September 13, 2017
17		September 28, 2017	Second Set of Request for Production of Documents	Plaintiff	November 6, 2017
18		November 9, 2017	Third Set of Request for Production of Documents	Plaintiff	December 12, 2017
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1		January 18, 2018	Fourth Set of Request for Production for Documents	Plaintiff	
2					
3					

4 The parties have also complied with expert disclosure deadlines:

5	PARTY	DISCLOSURE	DATE SERVED
6	Plaintiff	Initial	August 29, 2017
7	Defendant	Initial	September 28, 2017
8		1 st Supplement	November 27, 2017
9		2 nd Supplement	December 4, 2017
10			

11 **III. DISCOVERY THAT REMAINS TO BE COMPLETED:**

12 The parties request the discovery cut-off be extended by sixty (60) days until March 30, 2018
13 for the limited purpose of obtaining medical records from newly disclosed providers and taking the
14 depositions of witnesses Mr. Kirby Ossowski, Mr. Arthur Adams, Mr. George Spears, Plaintiff's
15 experts Dr. Garber, Dr. Lanzkowsky, Defendant's experts Dr. Seiff, Dr. McKenna, and the FRCP
16 30(b)(6) deponent.

17 This recitation of discovery to be completed is not intended to be limiting, but it is set forth to
18 advise the Court of remaining discovery.

19 **IV. THE REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN THE**
20 **TIME LIMITS SET BY THE DISCOVERY PLAN:**

21 The parties are actively working together to complete discovery in this case in accordance with
22 the current discovery schedule. As referenced above, substantial discovery has been completed to
23 date. However, it has come to the parties attention that Plaintiff's experts, due to limited availability,
24 will not be available until after the current deadline for discovery. Plaintiff also recently disclosed
25 numerous additional medical treaters that MV must obtain authorizations and subpoena medical
26 records for relevant and important treatment for pre-existing injuries and injuries alleged in this
27 matter. Finally, Plaintiff also recently provided topics for the FRCP 30(b)(6) deponent, who is
28 available to be deposed on February 13, 2018. The parties ask the discovery cut-off deadline be

extended by sixty (60) days until March 27, 2018 for the sole purpose of completing the above listed discovery.

V. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY:

<i>Event</i>	<i>Current Schedule</i>	<i>Proposed Schedule</i>
Discovery Cut-off	January 26, 2018	March 27, 2018
Dispositive Motions	February 26, 2018	April 27, 2018
Trial Order	March 27, 2018	May 29, 2018

IT IS SO STIPULATED.

Dated: January 18, 2018

Dated: January 18, 2018

**WOOD, SMITH, HENNING
& BERMAN, LLP**

RICHARD HARRIS LAW FIRM

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***Attorneys for Defendant, MV
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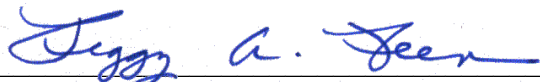
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1 Upon Stipulation of counsel and good cause appearing, the extension of the discovery cut-
2 off by sixty (60) days) for the sole purpose of obtaining medical records from newly disclosed
3 providers and taking the depositions of witnesses including Mr. Kirby Ossowski, Mr. Arthur
4 Adams, Mr. George Spears, experts Dr. Garber, Dr. Lanzkowsky, and Defendant's experts Dr.
5 Seiff, Dr. McKenna, and the FRCP 30(b)(6) deponent and the dispositive motion deadline as
6 follows is granted.

<i>Event</i>	<i>Current Schedule</i>	<i>Proposed Schedule</i>
Discovery Cut-off	January 26, 2018	March 27, 2018
Dispositive Motions	February 26, 2018	April 27, 2018
Trial Order	March 27, 2018	May 29, 2018

10 **IT IS SO ORDERED**

12 Dated this 2nd day of February, 2018.

14 
15 PEGGY A. LEEN
16 UNITED STATES MAGISTRATE JUDGE